IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15624 of 2005

Between:

1 D. Viswanadha Raju R/o Addateelaga (V&M) East Godavari District
2 Penugonda Vijayalakshmi W/o Late KRishna Rao
R/o Venkatapuram(V) Seethanagaram (M) East Godavari District

..... PETITIONER(S)

AND

1 Additional Agent to the Government, Rampachodavaram, East Godavari District
2 The Special Deputy Collector, Tribal Welfare Rampachodavaram, East Godavari District
3 Karam Linganna Dora S/o Thammanna Dora R/o Chinagar Lapadu Village, Gangavaram Mandal, EastGodavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the 1st respondent in entertaining two appeals in CMA Nos. 50/2004 and 50/2005 against the petitioners in respect of the order passed by the 2nd respondent in LTRP No. 32/2003 filed by the 3rd respondent herein as illegal arbitrary and also barred by principle of res judicata and seta side all further proceedings in CMA Nos. 50/2004 and 50/2005 on the file of the 1st respondent.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent Nos.1 and 2: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.3: None appeared

The Court made the following :

ORAL ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the 3rd respondent in filing two appeals before the 1st respondent against the same order passed by the 2nd respondent in L.T.R.P No.32 of 2003, dated 26.8.2003.

According to the petitioners, there is a period of limitation, however, without following or observing the period of limitation, the 3rd respondent filed one appeal in the year 2004 and another in the year 2005 and both the appeals were numbered and are being proceeded with. Therefore, they sought for appropriate orders.

The learned Government Pleader for Social Welfare, on instructions, has stated that the appeal which was filed first was listed on 18.6.2005, and on that day, the learned counsel for the petitioners appeared before the 1st respondent, and in fact, represented that the petitioners have no objection for clubbing both the appeals and to be decided on merits, but contrary to the representation, the petitioners have come up in this writ petition raising an objection for filing 2nd appeal against the same order and seeking declaration that the same is barred by the principle of *res judicata*.

Heard the learned counsel for both the parties.

If the petitioners have got any objections with regard to the filing of the 2nd appeal against the same order passed by the 2nd respondent, they can raise the same before the 1st appellate authority, who can decide the said objection that may be raised by the petitioners. There is absolutely no merit warranting interference

with the allegations made by the petitioners as the proceedings are still pending before the 1st respondent.

The writ petition is accordingly disposed of directing the 1st respondent to dispose of the appeal/appeals expeditiously. No costs.

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(S. ANANDA REDDY, J.)

19th July, 2005

bcj

To

1 Additional Agent to the Government, Rampachodavaram, East Godavari District
2 The Special Deputy Collector, Tribal Welfare Rampachodavaram, East Godavari District
3 Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.